

Attorney Docket No. LeA 33 771

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Weber, et al.

Serial No.: 10/009,856

Group Art Unit: 1648

Filed: April 10, 2002

Examiner: Shanon A. Foley

For: Organ, Tissue and Cell-Specific Immuno-Therapeutic for Chronic Viral Infections and Inflammatory, Degenerative and Proliferative Diseases, in Particular of the Liver, and for Cancer, Based on a Recombinant Parapox Virus

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CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.3(a)

I hereby certify that this correspondence and any papers referred to as attached are being facsimile transmitted, on the date shown below, to the U.S. Patent and Trademark Office at (703) 872-9306.

Date: October 6, 2004

*Susan M. Pellegrino*  
Susan M. Pellegrino

REPLY AND AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action mailed April 6, 2004 (Paper No. 32104), Applicants respectfully request reconsideration and reexamination of the present application in view of the following amendments and remarks.

Applicants respectfully petition the Commissioner for Patents under the provisions of 37 C.F.R. 1.136(a) to extend the time for filing a response to the Office Action mailed April 6, 2004 for three (3) months from July 6, 2004 to October 6, 2004. Please charge the fee for the three-month extension of time to Deposit Account No. 13-3372.

AMENDMENTS

IN THE SPECIFICATION:

Kindly amend the specification as described on page 5 of this amendment.

IN THE CLAIMS:

Kindly amend the claims as follows:

Please amend claims 1 and 2, as shown in the attached sheets (page 6).

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and a pharmaceutical composition comprising a recombinant parapoxvirus possessing organ-specific, tissue-specific, or cell-specific targeting properties.

Robinson, et al., discloses parapoxvirus vectors; however, Robinson, et al., does not teach or disclose a recombinant parapoxvirus possessing organ-specific, tissue-specific, or cell-specific targeting properties. Therefore, Robinson, et al., does not anticipate the claimed invention.

Since Robinson, et al., does not teach each and every limitation of the claimed invention, a proper rejection under 35 U.S.C. § 102(b) has not been established. Accordingly, Applicants respectfully request reconsideration and withdrawal of the of the present rejection.

### CONCLUSION

For the foregoing reasons, Applicants submit that the claims are in condition for allowance and Applicants respectfully request reexamination of the present application, reconsideration and withdrawal of the present rejections, and entry of the amendments. Should there be any further matter requiring consideration, Examiner Foley is invited to contact the undersigned counsel.

If there are any further fees due in connection with the filing of the present reply, please charge the fees to undersigned's Deposit Account No. 13-3372. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

Respectfully submitted,

  
Susan M. Pellegrino  
Reg. No. 48,972

Date: October 6, 2004

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